REMARKS

The Examiner is thanked for performing another thorough search. No claims are added, amended, or canceled by this reply. Therefore, Claims 1-4, 7, 10-13, and 36-45 are pending.

CLAIM REJECTIONS – 35 U.S.C. § 102

The Office Action rejected Claims 1, 2, 36, 37, and 45 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,173,307 to Drews ("Drews"). The rejection is respectfully traversed.

Among other features, Claim 1 recites "determining, at a particular time, **whether the buffer array entry indicates** a particular value."

The Office Action analogizes the "particular value" recited in Claim 1 to a "count" of a number of slots that are available to a producer (Drews, col. 3, lines 39-41). The Office Action alleges that the producers' examination of the count (Drews, col. 3, lines 47-49) is analogous to "determining whether the buffer array indicates a particular value" as recited in Claim 1.

However, there is absolutely no teaching or suggestion anywhere in Drews that the "count" is "indicated" by a "buffer array entry." In Claim 1, the recited determination is of whether a **buffer array entry** indicates the particular value. Even if Drews' producers examine a count, Drews' producers do not examiner a **buffer array entry** to determine whether that buffer array entry indicates such a count.

The Office Action apparently analogizes the "buffer array entry" recited in Claim 1 to a "slot" within a circular buffer queue shown in Drews' FIG. 3. These slots may be empty or they may contain resources placed there by producers (Drew, col. 3, lines 33-35). However, there is no teaching or suggestion in Drew that the resources placed

within the slots include the "count." It is respectfully submitted that the "count" to which Drews refers is **never** placed within any of the slots (the alleged "buffer array entries"). Consequently, Drews' producers would never examine a slot to determine whether that slot indicated the count.

Therefore, Drews fails to disclose "determining, at a particular time, **whether the buffer array entry indicates** a particular value" as recited in Claim 1. As a result, Claim 1 is patentable over Drews under 35 U.S.C. § 102(e).

Additionally, Claim 1 recites a "buffer index value." Schizophrenically, the Office Action appears in one location to analogize the buffer index value to Drews' "next-ready marker," but then in another location to analogize the buffer index value to Drews' "next-available marker." As is apparent from Drews' FIG. 3 and the discussion in Drews' col. 3, lines 27-33, Drews' "next-ready marker" and Drews' "next-available marker" are **two separate markers**.

Furthermore, among other features, Claim 1 recites "reading a buffer index value **that identifies a data buffer that was last used for buffering data**." Since Drews' markers point to **different slots** in the circular buffer queue, there is no way that **both** of these markers identify a data buffer that was last used for buffering data.

Indeed, **neither** of these markers appears to identify a slot (the alleged "data buffer") that was **last used for buffering data**. The "next-available" marker clearly does not identify a slot that was last (i.e., most recently) used for buffering data. As can be seen in Drews' FIG. 3, the "producer busy" section of the circular buffer queue comprises several slots into which resources are **currently** being placed. The "next-available" marker doesn't indicate **any** of these slots. Instead, the "next-available" marker refers to an **empty** slot. There is no way of telling how long it has been since the empty slot was

being used for resource placement, but it is certain that the empty slot was used less recently than the slots within the "producer busy" section.

The "next ready" marker also doesn't identify a slot that was last (i.e., most recently) used for buffering data. In col. 4, lines 60-62, Drews indicates that the fully cross-hatched rectangles in FIG. 4 indicate slots where resource placement has completed. In FIG. 4, the "next-ready" marker points to slot 410, which is fully cross-hatched. Therefore, the "next-ready" marker points to a slot where resource placement has **completed**. However, FIG. 4 also shows slot 414, which is only **partially** cross-hatched because a resource is **currently** being placed in that slot. Therefore, slot 414 is being used for resource placement **more recently** than slot 410, to which the "next-ready" marker points. Clearly, then, the "next-ready" marker does **not** identify a slot that was last (i.e., most recently) used for buffering data. If it did, it would point to slot 414 instead of slot 410.

Therefore, Drews does not disclose, teach, or suggest "reading a buffer index value **that identifies a data buffer that was last used for buffering data**" as recited in Claim 1. As a result, Claim 1 is patentable over Drews under 35 U.S.C. § 102(e).

By virtue of its dependence from Claim 1, Claim 2 inherits the features of Claim 1 that are distinguished from Drews above. Therefore, for at least the same reasons set forth above with respect to Claim 1, Claim 2 is patentable over Drews under 35 U.S.C. § 102(e).

Claims 36 and 37 recite computer-readable media comprising instructions for causing one or more processors to perform the steps of Claim 1 and 2, respectively. Therefore, for at least the same reasons set forth above with respect to Claims 1 and 2, Claims 36 and 37 are patentable over Drews under 35 U.S.C. § 102(e).

Claim 45 recites a computer system comprising means for performing the steps of Claim 1. Therefore, for at least the same reasons set forth above with respect to Claim 1, Claim 45 is patentable over Drews under 35 U.S.C. § 102(e).

CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 3, 4, 7, 10-13, and 38-44 under 35 U.S.C. § 103(a) as being unpatentable over Drews in view of U.S. Patent No. 6,182,086 to Lomet, et al. ("Lomet").

By virtue of their dependence from Claim 1, Claims 3, 4, 7, and 10-13 inherit the features of Claim 1 that are distinguished from Drews above. The Office Action does not even allege that Lomet teaches, discloses, or suggests these distinguished features. Since neither Drews not Lomet teaches, discloses, or suggests these distinguished features, even a combination of Drews and Lomet would not teach, disclose, or suggest these distinguished features. Therefore, Claims 3, 4, 7, and 10-13 are patentable over Drews and Lomet, taken either separately or in combination, under 35 U.S.C. § 103(a).

Similarly, by virtue of their dependence from Claim 36, Claims 38-44 inherit the features of Claim 36 that are distinguished from Drews above. The Office Action does not even allege that Lomet teaches, discloses, or suggests these distinguished features. Since neither Drews not Lomet teaches, discloses, or suggests these distinguished features, even a combination of Drews and Lomet would not teach, disclose, or suggest these distinguished features. Therefore, Claims 38-44 are patentable over Drews and Lomet, taken either separately or in combination, under 35 U.S.C. § 103(a).

CONCLUSION

Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution. To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: February 23, 2006

Christian A. Nicholes
Reg. No. 50,266

2055 Gateway Place
San Jose, California 95110-0189
Telephone No.: (408) 414-1080
Facsimile No.: (408) 414-1076

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